

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JEFFREY LAYDON, on behalf of himself and all  
others similarly situated,

Plaintiff,

- against -

MIZUHO BANK, LTD., THE BANK OF TOKYO-  
MITSUBISHI UFJ, LTD., SUMITOMO MITSUI  
BANKING CORPORATION, RESONA BANK, LTD.,  
MIZUHO CORPORATE BANK, LTD., THE BANK  
OF YOKOHAMA, LTD., MITSUBISHI UFJ TRUST  
AND BANKING CORPORATION, MIZUHO TRUST  
AND BANKING CO., LTD., THE SUMITOMO  
TRUST AND BANKING CO., LTD., CITIBANK,  
JAPAN LTD., JPMORGAN CHASE BANK, NA, THE  
ROYAL BANK OF SCOTLAND GROUP PLC,  
DEUTSCHE BANK AG., UBS AG, BNP PARIBAS  
S.A., SHINKIN CENTRAL BANK, THE SHOKO  
CHUKIN BANK, THE NORINCHUKIN BANK,  
BARCLAYS BANK PLC, HSBC HOLDINGS PLC,  
CITIBANK NA, CRÉDIT AGRICOLE CIB, LLOYDS  
BANKING GROUP PLC, SOCIÉTÉ GÉNÉRALE,  
AND RABOBANK GROUP,

Defendants.

Docket No. 1:12-cv-03419-GBD

**MOTION FOR ORDER APPOINTING INTERNATIONAL PROCESS SERVER**

Plaintiff Jeffrey Laydon (“Plaintiff”), by and through his attorneys, hereby moves this Court pursuant to Rules 4(f)(1) and (h)(2) of the Federal Rules of Civil Procedure, and the Convention of the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters developed at the Tenth Session of the Hague Conference on Private International Law on 15 November, 1965 (the “Hague Convention”), for an Order appointing Crowe Foreign Services, 1020 SW Taylor Street, Suite 240, Portland, Oregon, 97205, and its

agents, as a judicial officer competent under the Jurisdiction of this Court to forward the summons and complaint [Dkt No. 1] (the “Complaint”) to the Japanese Central Authority for the purpose of serving Defendants Mizuho Bank, Ltd., Resona Bank, Ltd., Mizuho Trust and Banking Co., Ltd., and the Shoko Chukin Bank, each of which is located in Japan.


Chapter I, Article 3 of the Hague Convention provides that a “judicial officer competent under the law of the State in which the documents originate shall forward to the Central Authority of the State addressed a request conforming to the model annexed to the present Convention, without any requirement of legalisation or other equivalent formality.” *The Hague Convention*, art. 3, Nov. 15, 1965, 20 U.S.T. 361, T.I.A.S. 6638. Plaintiff has engaged an international process server, Crowe Foreign Services, who has been appointed as a judicial officer competent under the laws of the United States to forward documents to the Central Authority of other States for service pursuant to the Hague Convention. *See* Declaration of Sung-Min Lee dated July 5, 2012, Exhibit 1.

Due to the fact that diplomatic officers of the United States in Japan are prohibited by regulation to serve process, the only entities which may forward documents for service under the Hague Service Convention are the forum court itself (in this instance, the United States District Court for the Southern District of New York), or an individual authorized by such forum court. *Id.* (Declaration of Celeste Ingalls at ¶ 9). Although an order appointing Crowe Foreign Services as international process server does not appoint Crowe Foreign Services to “serve” the defendants, it provides the authority for Celeste Ingalls (Crowe Foreign Services) to forward a request for service in accordance with the Hague Service Convention and is accepted by the Japanese authorities as being in compliance with their interpretation of Article 3 of the Hague Convention. *Id.* Crowe Foreign Services has been previously appointed in accordance with

Article 3 of the Hague Convention as “the authority and judicial officer competent under the Jurisdiction of this Court to forward to the Central Authority in the applicable country, any and all documents to be served” by the United States District Court for the Southern District of New York.

Dated: White Plains, New York  
July 5, 2012

LOWEY DANNENBERG COHEN  
& HART, P.C.

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